UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
018,859	12/26/01	Kagoshima	217649US2XPCT

EXAMINER	
Sterrett	
ART UNIT	PAPER NUMBER
2838	11

DATE MAILED:

EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) Robert Pous (Att) (3) _____

(2) Jeffrey Sterrett (Ex) (4) _____

Date of interview 11/12/03

Type: ☐ Telephonic ☒ Personal (copy is given to ☐ applicant ☒ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description: _____

Agreement ☒ was reached with respect to some or all of the claims in question. ☐ was not reached.

Claims discussed: Essentially Claims 1, 4, And 7

Identification of prior art discussed: Chappell et. al.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Upon Review of Invention, Claims 1-3 & 4-10 Are Restricted To Different Invention Concepts. Agreed To Combine Claims 1 & 2 With Favorable Consideration of Allowance Very Likely.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

Unless the paragraphs below have been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1–7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

☐ Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action.

Jeffrey L Sterrett
Examiner's Signature

PTOL-413 (REV. 1-84)

ORIGINAL FOR INSERTION IN RIGHT HAND FLAP OF FILE WRAPPER

IN THE CLAIMS

Claim 1 (Previously Presented): A hybrid construction machine comprising:

a work tool;

an engine;

a main battery;

an auxiliary battery;

a power generator to be driven by the engine;

at least two electric motors, at least one of said electric motors being adapted to operate said work tool, the electric motors being driven by power of at least one of the power generator, the auxiliary battery and the main battery, wherein the auxiliary battery and the main battery are to be charged with the power of the power generator; and

a switch for switching drive of the electric motors between normal power of at least one of the power generator and the main battery in a normal operation state, and auxiliary power of the auxiliary battery in an emergency operation state wherein the electric motors can not be driven by the normal power.

Claim 2 (Currently Amended): The hybrid construction machine according to claim 1, further comprising an actuator-selecting switch for selecting ~~at least one~~ fewer than all of the electric motors to be driven by means of the auxiliary power in the emergency operation state.

Claim 3 (Original): The hybrid construction machine according to claim 1 or 2, wherein the hybrid construction machine is a hybrid excavator.

Claim 4 (Previously Presented): A control apparatus of a hybrid construction machine for executing works by charging a main battery with power of a power generator to be driven by an engine and driving electric motors by means of power discharged from at least the main battery, comprising:

a generator output control body for varying power output from the power generator in accordance with content of work performed by the hybrid construction machine.

Claim 5 (Previously Presented): The control apparatus of a hybrid construction machine according to claim 4, further comprising:

a manipulating lever to be manipulated by an operator; and

a work determination body for determining the content of the work on the basis of a manipulating signal from the manipulating lever and outputting the content of the work to the generator output control body.

Claim 6 (previously Presented): The control apparatus of a hybrid construction machine according to claim 4, further comprising:

a work mode switch with which the content of work can be selected by an operator; and

a switch detection body for detecting the content of the work selected with the work mode switch and outputting the content of the work to the generator output control body.

Claim 7 (Previously Presented): A control apparatus of a hybrid construction machine for executing work by charging a main battery with power of a power generator to be driven by an engine and driving electric motors by means of power of at least one of the power generator and the main battery, comprising:

a work speed regulation body for regulating work speed in accordance with content of the work when power of the power generator is a predetermined value or less.

Claim 8 (Previously Presented): The control apparatus of a hybrid construction machine according to claim 7, further comprising:

a manipulating lever to be manipulated by an operator; and

a work determination body for determining the content of work on the basis of manipulating signal from the manipulating lever and outputting the content of the work to the work speed regulation body.

Claim 9 (Previously Presented): The control apparatus of a hybrid construction machine according to claim 7, further comprising:

a work mode switch with which the content of work can be selected by an operator, and

a switch detection body for detecting the content of the work selected with the work mode switch and outputting the content of the work to the work speed regulation body.

Claim 10 (Original): The control apparatus of a hybrid construction machine according to any of claims 4 to 9, wherein the hybrid construction machine is a hybrid excavator.